

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Feb 18, 2025

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JACOB JOHNSTON,

Plaintiff,

v.

NO NAMED DEFENDANT,

Defendant.

NO: 4:25-CV-05014-RLP

ORDER DISMISSING ACTION

Before the Court is Plaintiff's *pro se* Dismissal of Case Motion, construed as a Motion to Voluntarily Dismiss. ECF No. 4. Plaintiff, an individual incarcerated at the Washington State Penitentiary, submitted a document liberally construed as a civil rights complaint on February 10, 2025. ECF No. 1. He did not pay the filing fee or seek leave to proceed *in forma pauperis*. Defendant has not been served.

On February 14, 2024, the Court receive Plaintiff's single page Motion asking to "drop" this case because he has not completed the administrative grievance process. Having shown good cause, the Court finds it appropriate to

1 grant Plaintiff's Motion and to dismiss this action without prejudice pursuant to
2 Fed. R. Civ. P. 41(a).

3 According, **IT IS ORDERED:**

4 **1.** The construed Motion to Voluntarily Dismiss, **ECF No. 4**, is
5 **GRANTED.**

6 **2.** This action is **DISMISSED** without prejudice to Plaintiff filing a new
7 and separate action.

8 **3.** The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal
9 of this Order would not be taken in good faith and would lack any arguable basis in
10 law or fact.

11 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,
12 **enter judgment**, provide copies to Plaintiff, and **CLOSE** the file.

13 **DATED** February 18, 2025.

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16 **REBECCA L. PENNELL**
17 **UNITED STATES DISTRICT JUDGE**
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